



UNITED STATES DEPARTMENT OF COMMERCE

Unit d Stat s Pat nt and Trademark Offic

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Ek

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/405,436 09/23/99 MIELONEN

P 1912

007812
SMITH-HILL AND BEDELL
12670 N W BARNES ROAD
SUITE 104
PORTLAND OR 97229

PM82/0614

EXAMINER

GALLI, J

ART UNIT

PAPER NUMBER

3627

DATE MAILED:

06/14/01

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/405,436

Applicant(s)

Nielsen et al

Examiner

Lloyd Gall

Group Art Unit

3627

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 4/9/01
- ☒ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-27 is/are pending in the application.
- Of the above claim(s) 12-27 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-3, 5-8, 10 is/are rejected.
- ☒ Claim(s) 4, 9, 11 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☒ The proposed drawing correction, filed on 4/9/01 is ☒ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).
- *Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 11
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

Art Unit:

DETAILED ACTION

1. Applicant's election with traverse of Group I, claims 1-11 in Paper No. 10 is acknowledged. The traversal is on the ground(s) that mechanisms that are so related to each other that operation of one mechanism requires use of the other mechanism are a single invention which are to be permitted in a single patent application. This is not found persuasive because the key blank and key of claims 12 and 20 do not require the specifics of the coded locking discs of the combination claims 1-11. Claims 12 and 20 recite a key blank and key for the combination of claim 1. There is no structure to the lock and coded locking discs being positively claimed in claims 12 and 20. Claims 12 and 20 also refer to possible profile grooves. The only structure which is positively claimed in claim 12 is a rectangular shank with a bevel surface. Clearly, this is a patentably distinct invention from what is claimed in claim 1. The same is true of claim 20. Further, the key blank of claim 12 does not require use with a coded disc locking mechanism as recited in claim 1. The rectangular shank with a bevel surface in claim 12 can be later combined to be used with a pin tumbler lock, if so desired. The same is true of the key of claim 20.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 12-27 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Applicant timely traversed the restriction (election) requirement in Paper No. 10.

Art Unit:

3. This application contains claims drawn to an invention nonelected with traverse in Paper No. 10. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 5, 6, 8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by the UK reference (119).

The UK reference (119) teaches all of the claimed structure including plural code locking discs as seen in fig. 3, wherein the discs include a notch 12, a first counter surface 18 for turning the discs in a first direction, a second counter surface diametrically spaced from the surface labeled 18 for also turning the discs in the first direction, locking bar 8, and a key having a set of combination surfaces for each disc. The two diametrically spaced surfaces 17 define at least two combination values. The surfaces 17 which engage other tumblers define a second set of combination values. Each disc is turnable, and turnable to its opening position, by either or both of the combination value surfaces 17 for each disc. With respect to claim 2, diametrically spaced surfaces 17 are regarded as both spaced from each other, and at different angles. That is, the surface labeled as 17 in fig. 3 is roughly at the two o'clock angular position, and its diametrically spaced surface 17 is at an eight o'clock angular position. With respect to claim 3, there is no apparent

Art Unit:

reference frame claimed to define the 30 degrees. With respect to claim 8, surface 25 defines a return surface. With respect to claim 10, the return surfaces 25 also define a counter surface such that the lock is "operable" in a second turning direction.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over the UK reference (119) in view of Martikainen.

Martikainen teaches at least one 0-locking disc 5 with a smaller key opening than the locking discs 7. To utilize a 0-locking disc with the lock of the UK reference (119) would have been obvious in view of the teaching of Martikainen.

8. Claims 4, 9 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Applicant's arguments with respect to claims 1-3, 5-8 and 10 have been considered but are moot in view of the new ground(s) of rejection.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit:

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd Gall whose telephone number is (703) 308-0828. The examiner can normally be reached on Monday-Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BethAnne Dayoan, can be reached at (703) 308-3865. The fax number for this group is (703) 305-3597/3598.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be directed to steven.meyers@uspto.gov.

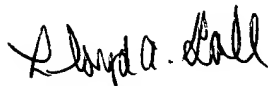
All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed

Art Unit:

expressed waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature relating to the status of this application should be directed to the group receptionist at (703) 308-2168.

LG
June 12, 2001


Lloyd A. Gall
Primary Examiner